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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/528,870
Filing Date: March 24, 2005
Appellant(s): BRUELLE-DREWS, CHRISTIAN

David H. Badger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04-18-2008 appealing from the Office action mailed 07-30-2007.

(1) Real Party in Interest

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

Claims 1, 6-8, 10, 11, 24, 25, 28, 31-33 and 38-45 are pending. Claims 2-5, 9, 12-23, 26, 27, 29, 30, 34-37 and 46-56 are cancelled. All of the pending claims have been rejected and their rejections are hereby being presented for consideration on Appeal. The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 10-01-2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Yasuhara (US PAT. 7,190,798) 03-13-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 6-8,10-11, 24- 25, 28, 31-33 and 38-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Yasuhara (US PAT 7,190,798).

Consider claims 1, 24, Yasuhara teaches an audio system (see fig. 9) for use in a vehicle, comprising:

a plurality of audio sources (81 including 82, 83, 84, 85, fig.9, col. 10, lines 32-35) connected to an amplifier (block containing 89, 93, 87), the amplifier comprising a respective balance setting for each audio source (a user configurable combination of an audio source and an output speaker, via switches 91 and 93) and configured to provide a respective amplified audio signal to each of a plurality of speakers (10,11), where the audio sources are operable to generate a plurality of audio output signals (audio signals selectable by switch 91, fig. 9) that are supplied to the amplifier; and

a control unit (80) connected with the amplifier, and configure to adjust the respective amplified signals for each speaker (10,11,12,13) based on each of the respective audio sources that generates the audio output signal (see col. 8 line 20-col. 9 line 9), where the control unit includes a user interface (28,29) for independently setting each respective balance setting of each respective audio source (switches 91 and 92 select audio sources 81 and controller 80 controls the switch 93 to select signals for speakers 10,11) (see col. 4 line10-58), where the control unit is further configure to adjust the balance settings based upon a user selected audio source (see col. 10 line 36-col.11 line 67).

Consider claims 6-8, Yasuhara teaches that the control unit (see fig.9 (80)) includes an audio manager module operable to control the balance setting of the

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amplifier (block containing 89, 93, 87) connected to the speakers based on the respective balance setting for each audio source (see col. 10 line 36-col.11 line 67); and the control unit (see fig.9(80)) includes a means for adjustment operable to allow a user to independently adjust the balance setting of each of the respective the audio sources (see col. 10 line 36-col.11 line 67); and the control unit (see fig. 9 (80)) includes a user interface module operable to receive a user adjustment of the respective balance setting of the user selected audio source for each respective audio source (see col. 10 line 36-col.11 line 67).

Consider claims 10, 11 and 31, Yasuhara teaches that the control unit (see fig.9 (80)) is configured to store the respective balance setting for each respective audio source (see col. 10 line 36-col.11 line 67); and the user selected audio source comprises at least one audio source from a group of audio sources including a navigation system, a tuner, a remote terminal, a compact disc player, a digital video disc player, an MP3 player, a radio data service tuner, a television, a satellite radio, an Internet radio, a cassette player, and a text-to-speech system (see col. 10 line 36-col.11 line 67).

Consider claim 38, it is a method claim corresponding to an audio system claim 11. See previous audio system claim 11 for rejection.

Consider claims 25 and 28, Yasuhara teaches that the audio system of the amplifier includes a balance setting circuit and the amplifier is configured to be controlled by the head unit (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67); and the audio system of the head unit includes an audio manager module operable to

control the amplifier based upon the audio source balance setting for each respective audio source (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67).

Consider claim 32, Yasuhara teaches a method of controlling balance settings for a plurality of audio sources in an audio system for a vehicle, comprising:

generating a plurality of audio output signals (see fig.9 (10,11)) from a plurality of audio sources (81);

transmitting the audio output signals from the audio sources to an amplifier (block containing 89, 93, 87);

receiving selected balance settings for selected audio sources with a head unit (28) connected to the amplifier;

storing the selected balance settings received from the head unit as the respective audio source balance settings for the selected audio sources (col. 10, lines 29-30); and

reproducing an audio output signal on at least two speakers (10,11) based upon a stored selected balance setting for one of the selected audio sources (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67).

Consider claim 33, Yasuhara teaches that the head unit (see fig.3) includes a graphical user interface configured to receive a selected balance setting of a selected audio source from an occupant of the vehicle where each audio source can be associated with a respective audio source balance setting (see col. 6 line 12-43).

Consider claim 39, Yasuhara teaches an audio system for use in a vehicle comprising:

a plurality of audio sources (see fig.9 (81)) connected to an amplifier (block containing 89, 93, 87) operably coupled to a plurality of speakers (10,11);

a control unit (80) connected to the amplifier;

a passenger category selection module (see fig. 3, (29)) located on the control unit (29 in fig.3) and configured to receive a user selected passenger category from a plurality of passenger categories, and each passenger category includes a respective balance setting for each audio source (such as, a backseat passenger turns on DVD but does not want to disturb the driver. The backseat passenger turns off the rear speaker and turns on the headphone); and

a user interface module located on the control unit (see fig.3), and configured to adjust a balance setting of the plurality of speakers for the selected passenger category (such as AM, FM) based on a respective audio source that generates an audio output signal and the user selected passenger category (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67).

Consider claims 40-42, Yasuhara teaches that an audio manager module configured to control the amplifier to audibly reproduce the audio output signal in a predetermined number of speakers based upon the balance setting for each of the audio sources (see fig. 9 and see col. 10 line 36-col. 11 line 67); and the passenger category selection module is operable to generate a balance setting graphical user interface configured to receive a balance setting for each respective audio source for each respective passenger category (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67); and the passenger category maybe selected from a grouper passenger

categories include a driver category (such as AM/FM radio), a co-driver category (such as, CD), a backseat passenger category (such as, DVD) and a children category (video game and see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67).

Claims 44-45, these are essentially similar to claims 40-41 and are rejected for the reason stated above apropos to claims 41-42.

Consider claim 43, Yasuhara teaches a method of controlling balance settings in an audio system for a vehicle, comprising:

receiving a selected selecting a passenger category selected from a plurality of passenger categories, where the passenger category includes a respective balance setting for each of a plurality of audio sources (volume switch 21);

receiving an adjustment for the balance setting of at least one audio source for the selected passenger category (volume control part 87); and

reproducing audio output signals based on the balance setting for each audio source (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67).

(10) Response to Argument

Appellant alleged that Yasuhara does not teach a respective balance setting for each respective audio source and a user interface for independently setting, as set forth in claim 1 (Brief, page 13, 3rd paragraph; page 15, 2nd-4th paragraphs).

The examiner respectively disagrees. Yasuhara teaches a respective balance setting for each respective audio source in that, as shown in figure 9 and the denoting text, each of the audio sources 82, 83, 84 or 85 is configured to contribute to the output

of speaker 10 and the output of speaker 11 in a particular combination, namely, "a" respective balance setting. It is noted that claim 1 does not require details of the respective balance setting such as the percentage contribution from each of the audio sources or the percentage contribution to each of the speakers. Thus the argument is not persuasive.

A user interface / means for independently setting is met by the audio source control button of Yasuhara which is the collective name for 21, 22, 23, 24 and 25 (see the denoting text in, for example, col. 6, lines 15-22 and col. 7, lines 36-52). Each of the user selectable configurations (such as the ones discussed in col. 7, lines 36-52) represents an independent balance setting for each respective audio source.

Further, in the specification as filed, appellant describes the balance setting as selecting certain speakers (see specification page 2, line 28-30, which states "For example, if the children normally sit in the backseat, the user can adjust the balance setting of each audio source that the children want to hear to *reproduce audio outputs in only the rear loudspeakers or only in a selected subset of loudspeakers.*") (Emphasis added). Clearly, appellant's preferred embodiment / example shows that appellant's balance setting/control is performed through selection/inclusion of certain loudspeaker(s). Therefore, controlling the user configurable combination of an audio source and an output speaker, via switches 91 and 93, in Yasuhara meets appellant's balance setting as claimed and as disclosed.

Appellant alleged that Yasuhara does not connect the plurality of audio sources, and supply the plurality of audio signals they generate, to a single amplifier comprising a

respective balance setting for each audio source and configured to provide a respective amplified audio signal to each of the plurality of speakers, as recited in claim 1 (see argument page 15, 2nd paragraph from the bottom).

The Examiner disagrees. Yasuhara teaches a plurality of audio sources (81 in fig.9, including audio sources 82, 83, 84 and 85) connected to an amplifier (block containing 89, 93, 87), the amplifier comprising a respective balance setting for each audio source (a user configurable combination of an audio source and an output speaker, via switches 91 and 93) and configured to provide a respective amplified audio signal to each of a plurality of speakers (10,11), where the audio sources are operable to generate a plurality of audio output signals (audio signals selectable by switch 91, fig. 9) that are supplied to the amplifier; and the control unit (80) connected with the amplifier (89), and configure to adjust the respective amplified signals for each speaker (10,11) based on each of the respective audio sources that generates the audio output signal (see col. 8 line 20-col. 9 line 9), where the control unit (fig.9, (80)) includes a user interface (28,29) for independently setting each respective balance setting of each respective audio source (such as the switches 91 and 92 select audio sources 81 by controller 80 and controller 80 control the switches 93 -94 to speakers 11 and headphone 13)(see col. 4 line10-58), where the control unit (2) is further configure to adjust the balance settings based upon a user select audio source (see col. 10 line 36-col.11 line 67).

Clearly, Yasuhara discloses the controller (80 in fig. 9) controls the volume for front speakers (10) and rear speakers (11) and the "on" and "off" of the rear speaker

setting and headphones setting (see fig.9 and col. 10 line 52-59). As discussed above, Appellant only disclosed "balance setting" as controlling speaker setting for different groups of the speakers (see application page 2, line 28-30). Thus the teaching of Yasuhara meets the "balance setting" as broadly defined by Appellant in his disclosure.

Appellant alleged that Yasuhara does not disclose or teach a system with an amplifier connected to speakers and controllable to provide an amplified audio source output with a balance setting based on a user selection of an audio source, and does not disclose or teach a control unit including an audio manager module operable to control file balance settings of the amplifier connected to the speakers based on the respective balance setting for each audio source (see argument page 20, last paragraph from the bottom).

The examiner's response is that Yasuhara teaches the system as claimed, as discussed in detail with respect to claim 1 under this Section. In Yasuhara, the logic that governs the operation of the controller 80 meets the audio manager module as claimed.

Appellant alleged that Yasuhara does not disclose or teach, and does not contain a single reference to or showing of, a balance setting, does not disclose or teach a means for adjustment operable to allow user to independently adjust the balance setting of each of the respective audio sources, and certainly does not disclose or teach the corresponding structure and material described in the specification or its equivalents. Appellant alleged that Yasuhara does not disclose that his controller 80 includes a means for adjustment operable to allow a user to independently adjust the balance

setting of each of the respective audio sources (see argument page 21, last paragraph).

The examiner's response is that how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1. Further, a user interface / means for independently setting is met by the audio source control button of Yasuhara which is the collective name for 21, 22, 23, 24 and 25 (see the denoting text in, for example, col. 6, lines 15-22 and col. 7, lines 36-52). Each of the user selectable configurations (such as the ones discussed in col. 7, lines 36-52) represents an independent balance setting for each respective audio source.

Appellant alleged that there is no showing of an interface module and no showing of any user interface operable to receive a user adjustment of the respective balance setting of the user selected audio source for each respective audio source, as recited in claim 8 (see argument page 21, 2nd paragraph).

The examiner's response is that how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1. Further, a user interface / means for independently setting is met by the audio source control button of Yasuhara which is the collective name for 21, 22, 23, 24 and 25 (see the denoting text in, for example, col. 6, lines 15-22 and col. 7, lines 36-52). Each of the user selectable configurations (such as the ones discussed in col. 7, lines 36-52) represents an independent balance setting for each respective audio source.

Appellant alleged that Yasuhara does not disclose or suggest balance settings of his audio sources, or storage of balance settings for each of his audio sources, or a

control configured to store balance settings for his respective audio sources. As set forth above, Yasuhara does not contain a single reference to or showing of balance settings for his audio sources, does not even acknowledge the existence of balance settings, or the possibility of their storage for use with individual audio sources(see argument page 23 last paragraph- page 24, 1st paragraph).

The examiner's response is that how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1 under this section.

Appellant alleged that Yasuhara does not disclose or teach or suggest the recited elements and the subject matter of claim 24 dependent thereon, which are patentably distinguished over Yasuhara (see argument page 25, 4th paragraph- page 26, 1st paragraph).

The examiner's response is that how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1 under this section.

Appellant alleged that Yasuhm'a does not disclose, teach or suggest the recited elements or subject matter of claims 25, 28 (see argument page 27, second paragraph and page 28, second paragraph).

The examiner disagrees. Yasuhara teaches that the audio system of the amplifier includes a balance setting circuit and the amplifier is configured to be controlled by the head unit (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67); and the audio system of the head unit includes an audio manager module operable to control the amplifier based upon the audio source balance setting for each respective audio source

(see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67. It meets the claim limitations as recited in claims 25 and 28.

Appellant alleged that Yasuhara includes no disclosure or teaching of means for selecting balance sources for selected audio sources, and Yasuhara includes no disclosure or teaching of storing selected balance settings (see argument page 30, second paragraph).

The examiner disagrees. First, 'selecting balance sources' for selected audio sources is not claimed, thus moot. Second, regarding selected balance settings, how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1. Yasuhara further teaches the storing memory and MPU (see Yasuhara, col. 10 lines 25-35). It meets the limitations as recited in claim 32.

Appellant alleged that Yasuhara does not disclose, teach or suggest the recited steps and subject matter of claim 33(see argument page 33, 1st paragraph).

The examiner disagrees . Yasuhara teaches that the head unit (see fig.3) includes a graphical user interface configured to receive a selected balance setting of a selected audio source from an occupant of the vehicle where each audio source can be associated with a respective audio source balance setting (see col. 6 line 12-43). It meets the limitations as recited in claim 33.

Appellant alleged that Yasuhara does not disclose, teach or suggest the recited elements and subject matter of independent claim 39 (see argument page 35, last paragraph).

The examiner disagrees. Yasuhara teaches an audio system for use in a vehicle comprising: a plurality of audio sources (see fig.9 (81)) connected to an amplifier (block containing 89, 93, 87) operably coupled to a plurality of speakers (10,11); a control unit (80) connected to the amplifier; a passenger category selection module (see fig. 3, (29)) located on the control unit (29 in fig.3) and configured to receive a user selected passenger category from a plurality of passenger categories, and each passenger category includes a respective balance setting for each audio source (such as, a rear-seat passenger turns on DVD but does not want to disturb the driver. The back-seat passenger turns off the rear speaker and turns on the headphone); and

a user interface module located on the control unit (see fig.3), and configured to adjust a balance setting of the plurality of speakers for the selected passenger category (such as AM, FM) based on a respective audio source that generates an audio output signal and the user selected passenger category (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67). It meets the limitations as recited in claim 39.

Appellant alleged that Yasuhara does not disclose, teach or suggest the recited elements or subject matter of claims 40-42, (see argument page 37, second paragraph, page 38, second paragraph and last paragraph).

The examiner disagrees. Yasuhara teaches an audio manager module configured to control the amplifier to audibly reproduce the audio output signal in a predetermined number of speakers based upon the balance setting for each of the audio sources (see fig. 9 and see col. 10 line 36-col. 11 line 67); and the passenger category selection module is operable to generate a balance setting graphical user

interface configured to receive a balance setting for each respective audio source for each respective passenger category (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67); and the passenger category maybe selected from a grouper passenger categories include a driver category (such as AM/FM radio), a co-driver category (such as, CD), a backseat passenger category (such as, DVD) and a children category (video game and see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67). It meets the limitations as recited in claims 40-42.

Appellant alleged that Yasuhara does not teach a method of controlling balance settings in an audio system for a vehicle, and claim 43 is patentably distinguished from Yasuhara by each and every one of the following recited steps, "receiving a selected passenger category selected from a plurality of selected passenger categories, where the passenger category includes a respective balance setting for each of the plurality of audio sources" and by the step "receiving an adjustment for the balance setting of at least one audio source for the selected passenger category," and by the step "reproducing audio output signals based on the balance setting for each audio source" (see argument page 39, second paragraph).

The examiner disagrees . Yasuhara teaches a method of controlling balance settings in an audio system for a vehicle, comprising: receiving a selected selecting a passenger category selected from a plurality of passenger categories, where the passenger category includes a respective balance setting for each of a plurality of audio sources (volume switch 21); receiving an adjustment for the balance setting of at least one audio source for the selected passenger category (volume control part 87); and

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reproducing audio output signals based on the balance setting for each audio source (see figs 1-3, 7-9 and see col. 10 line 36-col. 11 line 67). It meets the limitations as recited in claim 43.

Regarding dependent claims 44-45, they are essentially similar to claims 40-42 and are rejected for the reasons stated above apropos the claims 41-42.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Lun-See Lao

/LUN-SEE LAO/

Examiner, Art Unit 2615

Examiner

Art Unit: 2614

Art Unit 2615

July 3, 2008

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